



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 7, 2013

By Fax and ECF

The Honorable John G. Koeltl
United States District Judge
500 Pearl Street
New York, NY 10007

**Re: United States v. Thomas Rittweger
02 Cr. 122 (JGK)**

Dear Judge Koeltl:

As directed by the Court's Order, dated October 3, 2013, the Government respectfully submits this letter in response to the application from Thomas Rittweger, the defendant, to "remove a witness/victim notification from his Bureau of Prisons file." (Order at 1). In the Court's Order, the Court noted that because "there are administrative procedures within the Bureau of Prisons to object to actions by the Bureau of Prisons or to request changes," "[i]t is unclear whether any order from the Court is necessary or appropriate." (Id.).

The Government agrees that no order from the Court is necessary or appropriate at this time. Earlier today, Federal Correctional Institution Fort Dix ("FCI Fort Dix"), where the defendant is being currently incarcerated, has confirmed to the undersigned that it has not received any request from the defendant to modify or remove any witness/victim notification.

Under the Victim and Witness Protection Act of 1982 and accompanying federal regulations codified at 28 C.F.R. § 551.150 through § 551.153, the Bureau of Prisons ("BOP") is directed to follow certain procedures to provide victims and witnesses of serious crimes with certain information about a defendant, including, but not limited to, information about a defendant's release from a BOP institution. It also sets forth a procedure whereby "a victim and/or witness may request cancellation of the notification." Id. § 551.153. If the defendant is of the view that BOP or FCI Fort Dix has failed to comply with the applicable law and that he has standing to object, his first recourse is to present his request and arguments to the BOP. Before the defendant exhausts his administrative remedies, his application to this Court for relief is premature.

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Accordingly, the application should be denied at this time as premature.

Respectfully submitted,

PREET BHARARA
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cc: Thomas Rittweger (51309-054)
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